

## Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-01 INR-05 L-01

NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02 SS-15

USIA-06 /052 W

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R 311335Z OCT 74

FM AMEMBASSY MANAGUA

TO SECSTATE WASHDC 5396

INFO AMEMBASSY GUATEMALA

AMEMBASSY SAN JOSE

AMEMBASSY SAN SALVADOR

AMEMBASSY TEGUCIGALPA

USCINCSO

C O N F I D E N T I A L MANAGUA 4232

USCINCSO FOR POLAD

E. O. 11652: GDS

TAGS: PGOV, PINT, NU

SUBJECT: NEW ELECTORAL LAW

SUMMARY: SOMOZA MAY HAVE SIDETRACKED AN EFFORT BY HIS  
SUPPORTERS IN THE CONSTITUENT ASSEMBLY TO PASS AN UNEXPECTEDLY  
RESTRICTIVE ELECTORAL REFORM LAW. END SUMMARY.

1. PRESIDENT-ELECT SOMOZA MAY HAVE DETERRED AN ATTEMPT BY  
HARD-LINE SUPPORTERS TO RAM A RETROGRESSIVE NEW ELECTORAL LAW  
THROUGH THE CONSTITUENT ASSEMBLY. ASSEMBLY APPROVED IN FIRST  
READING ON OCTOBER 23 A BILL WHICH APPEARED TO SEVERELY RESTRICT  
PARTICIPATION IN FUTURE ELECTIONS AND WHICH INCLUDED SEVERAL OTHER  
OBJECTIONABLE AND PUNITIVE FEATURES. THE MOST NOXIOUS OF THE  
PROVISIONS CHAMPIONED BY ASSEMBLY PRESIDENT CORNELIO HUECK  
WERE:

-----DENIAL OF THE RIGHT OF PETITION TO GET A PARTY ON THE BALLOT  
TO WHOSE WHO ABSTAINED THIS YEAR,  
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-----MANDATORY JAIL SENTENCES, HEAVY FINES, AND SUSPENSION OF MEDIA ORGANS FOR PREACHING ELECTORAL ABSTENTION,

-----RESTRICTION OF INVOLVEMENT IN WIDE RANGE OF POLITICAL ACTIVITIES TO AUTHORIZED POLITICAL PARTIES.

2. OPPOSITION GROUPS QUICKLY POINTED OUT THAT DENIAL OF VITAL RIGHT TO PETITION A PLACE ON THE BALLOT TO THOSE WHO ABSTAINED IN SEPTEMBER 1 WOULD EXCLUDE ALL BUT SOMOZA LIBERALS AND PAGUAGA CONSERVATIVES AND WOULD FREEZE STATUS QUO FOR YEARS TO COME. OTHER PROVISIONS WERE SEEN AS POSSIBLY THREATS TO CIVIL RIGHTS AND LIBERTIES.

3. IN MIDST OF CONTROVERSY ON OCTOBER 26, AMBASSADOR QUERIED SOMOZA ABOUT FUNCTION AND INTENT OF PROVISIONS UNDER ATTACK. HE SAID THAT HE HAD BEEN SICK WITH INFLUENZA MOST OF THE PAST TWO WEEKS AND PREOCCUPIED WITH OTHER MATTERS WITH THE RESULT THAT HE DID NOT APPRISE HIMSELF OF THE BILL'S DETAILS WHEN HE DISCUSSED IT BRIEFLY WITH HUECK THE WEEK BEFORE. HE HAD ASSUMED THAT THE BILL FULFILLED THE PLEDGE OF THE 1972 KUPIA KUMI PACT TO GUARANTEE FREE AND FAIR ELECTIONS AND APPEARED GENUINELY DISAPPOINTED BY HUECK'S OVERREACHING. SOMOZA RECOGNIZED THE LEGITIMACY OF THE COMPLAINTS ABOUT THE BILL AND SAID HE WOULD HAVE IT MODIFIED BEFORE IT WAS PASSED. HE ARRANGED MEETING WITH HUECK IN AMBASSADOR'S PRESENCE FOR OCTOBER 28 TO DISCUSS THE MATTER.

4. ON OCTOBER 29, HUECK CONFIRMED TO EMBOFF THAT BILL OF ATTAINDER NATURE OF RIGHT TO PETITION WOULD BE CHANGED AND THAT OTHER OFFENSIVE PARTS WOULD BE SOFTENED BEFORE SECOND READING. SECOND READING, WHICH WAS ORIGINALLY SCHEDULED FOR THIS WEEK HAS REPORTEDLY BEEN PUSHED BACK ANOTHER WEEK IN ORDER TO WORK OUT THE MODIFICATIONS.

5. COMMENT: THAT SOMOZA WAS KEPT IN THE DARK ABOUT THE TRUE NATURE OF A BILL AS FUNDAMENTAL AS THE ELECTORAL REFORM IS SURPRISING, BUT PLAUSIBLE IN VIEW OF HIS KNOWN ILLNESS ON TOP OF A BUSY SCHEDULE DURING THE PAST TWO WEEKS. JUDGMENT ABOUT THE ASSEMBLY LEADERSHIP'S MOTIVES IN INTRODUCING THE BILL IN ITS ORIGINAL FORM WILL HAVE TO AWAIT A REVIEW OF THE FINAL VERSION.  
SHELTON

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